

REMARKS/ARGUMENTS

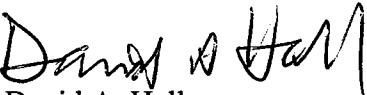
This Supplemental Response is to provide the Examiner with further information and to request withdrawal of the Kitamura reference (U.S. Patent No. 6,854,034). In the Office Action mailed January 26, 2007,¹ the claims were rejected under 35 U.S.C. § 103(a) as being unpatentable over the combination of Kitamura and Takahashi (claims 23, 24, 26, 27, 29-36) and over Kitamura, Takahashi, and Napolitano (claim 28).

The present application (Serial No. 09/742,157) and the Kitamura '034 patent were, at the time the invention of the present application was made, owned by Hitachi, Ltd. (see MPEP § 706.02(l)(2)). It is noted that the Kitamura '034 patent was available as prior art only under 35 U.S.C. § 102(e). Under 35 U.S.C. § 103(c), the Kitamura '034 patent cannot preclude patentability of the present subject matter under Section 103(a). Thus, Kitamura cannot be relied upon for the Section 103 rejection. Withdrawal of the Kitamura '034 patent as a reference is requested. It is asserted that the claims, as amended in the Amendment filed April 26, 2007, are patentable over the remaining references of record.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

Respectfully submitted,


David A. Hall
Reg. No. 32,233

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: 858-350-6100 Fax: 415-576-0300
Attachments
DAH:dah
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¹ A fully responsive Amendment was filed on April 26, 2007.